UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
NGUYEN, LOAN B

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/769,154	HENKEMEYER, DAVID C.
	Examiner	Art Unit
	Loan B Nguyen	2126

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim 1-6, 9-10 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dodson (6513159) (hereinafter Dodson).

4.   As per claim 1, Dodson teaches a method comprising:

receiving a request to select one of a plurality of available system elements to be installed

(e.g. col. 2 line 43-44);

receiving an identification of a first system element which is not of the plurality of

available system elements (e.g. col. 2 line 56);

installing the first system element (e.g. col. 2 line 55-63);

deinstalling the first system element (e.g. col. 2 line 64);

and installing the one of the plurality of available system elements (e.g. col. 2 line 63-65).

5.   As per claims 4, 6, 9, 26, 28, and 29 are rejected for similar reasons as stated above.

6.   As per claim 2, Dodson teaches the method of claim 1 wherein:

the identification of the first system element comprises an indication of a location of the

first system element (e.g. col. 4 line 55-58).

7.   As per claim 3 is rejected for similar reasons as stated above.

8.   As per claim 5, Dodson teaches the method of claim 4 wherein:

the first device driver comprises a do-nothing driver (e.g. col. 2 line 55-58).

9.   As per claims 27 is rejected for similar reasons as stated above.

10.   As per claim 10, Dodson teaches the method of claim 9 wherein the hardware device

comprises a communication device (e.g. col. 5 line 56-61).

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12.   Claim 14-21, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Huotari et al. (20020004935) (hereinafter Huotari et al.).

13.   As per claim 14, Huotari et al. teaches a machine-accessible medium including thereon

instructions which, when executed by a machine, cause the machine to perform a method

comprising:

        receiving from an operating system of the machine a request to identify a driver (e.g.

page 4 section [0057]);

        prompting a user to identify the driver (e.g. page 4 section [0062]);

        receiving from the user an identification of a common driver (e.g. page 4 section [0063]);

        delivering the identification of the common driver to the operating system to satisfy the

operating system's request (e.g. page 5 section [0064]);

        installing the common driver (e.g. page 9 section [0110]);

        receiving from the user an identification of an operating system interface through which a

component is to access the operating system (e.g. page 9 section [0111]);

        deinstalling the common driver (e.g. page 9 section [0110]);

        installing a first driver from a plurality of available drivers for the component, the first

driver being selected from the plurality in accordance with the identification of the operating

system interface (e.g. page 9 section [0112]).

14.   As per claims 19 is rejected for similar reasons as stated above.

15.   As per claim 15, Huotari et al. teaches the machine-accessible medium of claim 14

including thereon further instructions which, when executed by the machine, cause the machine

to perform the method further comprising:

        preparing a list of data which the user is to collect (e.g. page 10 section [0118]);

        presenting the list to the user (e.g. Figure 12-14);

receiving the data from the user (e.g. page 9 section [0108]); and

configuring one or more features of the machine in accordance with the data (e.g. e.g. page 9 section [0108]).

16.   As per claim 16, Huotari et al. teaches the machine-accessible medium of claim 14 including thereon further instructions which, when executed by the machine, cause the machine to perform the method further comprising:

determining whether the operating system is sufficiently complete to enable the operating system interface (e.g. page 9 section [01089); and

if not, further installing the operating system to enable the operating system interface (e.g. page 9 section [0110]).

17.   As per claim 25 is rejected for similar reasons as stated above.

18.   As per claim 17, Huotari et al. teaches the method of claim 4 wherein:

the first device driver comprises a do-nothing driver (e.g. page 5 section [0065]).

19.   As per claim 18, Huotari et al. teaches the machine-accessible medium of claim 14 wherein the common driver is stored in a root directory of a removable storage device (e.g. page 9 section [0108]).

20.   As per claim 20, Huotari et al. teaches the method of claim 19 further comprising the deinstalling being done after and in response to:

prompting the user to gather data (e.g. page 9 section [0109]); and

receiving the data from the user (e.g. page 9 section [0110]).

21.   As per claim 21, Huotari et al. teaches the method of claim 20 further comprising the

installing one of the plurality of possible software components being done after and in response

to:

receiving from the user an identification of one of a plurality of types of interface through

which the respective possible software components are able to access the operating system (e.g.

page 5 section [0065]).

22.   As per claims 23 is rejected for similar reasons as stated above.

23.   As per claims 24, Huotari et al. teaches wherein the drivers comprise DSL drivers (page 4

section [0062]).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

25.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson

(6513159) (hereinafter Dodson) in view of Huotari et al. (20020004935) (hereinafter Huotari et

al.) and in further view of Gifford, Jr. et al. (6487608) (hereinafter Gifford, Jr. et al.).

26.   As per claim 12, Dodson and Huotari do not specifically teach the operating system

interface is selected from a group comprising at least an NDISWAN interface and an NDIS

interface.

        Gifford, Jr. et al. teaches wherein the operating system interface is selected from a group

comprising at least an NDISWAN interface and an NDIS interface (e.g. col. 1 line 29-30).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Dodson and Huotari et al. with Gifford, Jr. et al. because it would allow

for configuring and installing the network interface card on a computer system with an automatic

detection and identification of installed NIC.

27.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huotari et al.

(20020004935) (hereinafter Huotari et al.)) in view of Dodson (6513159) (hereinafter Dodson).

28.   As per claim 22, Huotari et al does not specifically teach decoding the one of the plurality

of possible software components prior to its installation.

        Dodson teaches decoding the one of the plurality of possible software components prior

to its installation (e.g. col. 6 line 24-29).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Huotari et al. with Dodson because it would allow for the authentication is

achieved by locating a signature and using a key which is used to decode the signature.

29.   Claims 7-8, 11, 13, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dodson (6513159) (hereinafter Dodson) in view of Huotari et al. (20020004935)

(hereinafter Huotari et al.).

30.   As per claim 7, Dodson does not specifically teach wherein the first device driver does not enable the hardware device and the system to operate together.

Huotari et al. teaches wherein the first device driver does not enable the hardware device and the system to operate together (e.g. page 3 section [0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dodson with Huotari et al. because it would be a specific installation and configuration program for DSL card and it is not a hardware device drive to be connected to the computer system.

31.   As per claim 8, Dodson does not specifically teach the method further comprising, prior to installing the first device driver:

receiving a request from an operating system of the system to identify the operative device driver from among a plurality of possible device drivers

Huotari et al. teaches the method of claim 6 further comprising, prior to installing the first device driver: receiving a request from an operating system of the system to identify the operative device driver from among a plurality of possible device drivers (e.g. page 2 section [0118]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dodson with Huotari et al. because it would allow to select and to utilize the appropriate computer hardware device for the proper operation of the installation and configuration hardware device on the computer system.

32.   As per claims 11, Dodson does not specifically teach wherein the hardware device comprises a DSL card.

Huotari et al. teaches wherein the hardware device comprises a DSL card (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dodson with Huotari et al. because it would allow for configuring and installing the new hardware device for the network interface card on a computer system like DSL.

33.   As per claims 30 are rejected for similar reasons as stated above.

34.   As per claim 13, Dodson does not specifically teach wherein the operating system interface is selected from a group comprising at least a PPPoA interface and an RFC 1483 Bridged Ethernet interface.

Huotari et al. teaches wherein the operating system interface is selected from a group comprising at least a PPPoA interface and an RFC 1483 Bridged Ethernet interface (e.g. page 8 section [0104] and page 10 section [0118]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dodson with Huotari et al. because it would allow for configuring and installing the network interface card on a computer system with a newer DSL technology like a PPPoA interface and an RFC 1483 Bridged Ethernet interface.

35.   As per claims 31, Dodson does not specifically teach wherein the common driver is a do-nothing driver.

Huotari et al. teaches wherein the common driver is a do-nothing driver (page 5 section [0065]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dodson with Huotari et al. because it would be a specific installation and configuration program for DSL card and it is not a hardware device drive to be connected to the computer system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan B. Nguyen whose telephone number is (703) 305-0358. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Loan B. Nguyen
November 14, 2003

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